

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LINDA DOLLISON, *et al.*,

Plaintiffs,

v.

**Civil Action 2:21-cv-1619
Judge Michael H. Watson
Magistrate Judge Chelsey M. Vascura**

**ANTERO RESOURCES
CORPORATION, *et al.*,**

Defendants.

REPORT AND RECOMMENDATION

On August 4, 2021, the Court ordered Plaintiffs to show cause within fourteen days why the Court should not dismiss this action without prejudice against Defendant Eclipse Resources I, L.P. (“Eclipse”) for failure to effect service under Federal Rule of Civil Procedure 4(m). (ECF No. 13.) Plaintiffs filed a response on August 18. (ECF No. 15.) In that response, Plaintiffs contended that they had already served Eclipse, attaching a screenshot of the state-court docket in support. (*Id.* at ¶ 2.) In an Order dated August 23, 2021, the undersigned explained that the state-court docket did not, in fact, reflect service on Eclipse, and again ordered Plaintiffs to show cause within fourteen days why the Court should not dismiss this action without prejudice against Eclipse for failure to effect service. (ECF No. 16.)

Plaintiffs never responded to the August 23, 2021 Show Cause Order. On August 31, 2021, Plaintiffs requested issuance of a summons against Eclipse, which the Clerk issued on September 1, 2021. (ECF Nos. 20–21.) But to date, no further filings related to service have been made on the docket.

Plaintiffs are now more than 90 days overdue in effecting service on Eclipse, have not responded to the Court's August 23, 2021 Show Cause Order, have not requested an extension of time to effect service, and have made no showing whatsoever that service has been effected. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against Defendant Eclipse Resources I, L.P. pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE